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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 LESLIE JONES,

12 Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

13 vs.

14 LIEUTENANT E. SANDY, et al.,

15 Defendants.

ORDER

16 \_\_\_\_\_/  
17 Plaintiff Leslie Jones (“Petitioner”) is proceeding *pro se* and *in forma pauperis* in this  
18 civil rights action pursuant to 42 U.S.C. § 1983. Before this Court is Petitioner’s “Motion for  
19 Request of the Court to Order Department of CDCR to Produce [Witness Tyrone Wright] for  
20 Trial.” (Doc. 134.) For the reasons set forth below, Petitioner’s motion is DENIED WITHOUT  
21 PREJUDICE.

22 I

23 On May 7, 2008, Petitioner filed a motion for the attendance of incarcerated witnesses at  
24 trial (Doc. 111) which this Court granted in part and denied in part (Doc. 124). In relevant part,  
25 the Court denied Petitioner’s motion regarding prospective witness Tyrone Wright because the  
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evidence presented in the record indicated that he was no longer incarcerated. (Doc. 124 at 2.)<sup>1</sup>

II

In the instant motion, Petitioner asserts that Wright's parole has been revoked and that Wright has been in custody since March of 2008. (Doc. 134 at 1.)<sup>2</sup> Petitioner has failed to demonstrate that the individual in custody at the Rio Cosumnes Correctional Center ("RCCC") is the same person Petitioner seeks to have testify at trial. For example, the prison identification numbers do not match and there is no other identifying information (i.e., birthdates) to confirm that this is the same person. Furthermore, Petitioner has failed to demonstrate that Wright is subject to the jurisdiction of the CDCR.

III

For the foregoing reasons, Petitioner's motion (Doc. 134) is DENIED WITHOUT PREJUDICE.

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DATED: November 4, 2008

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/s/ Arthur L. Alarcón  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation

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<sup>1</sup> T. Davis, a California Department of Corrections and Rehabilitation ("CDCR") employee, stated in a declaration filed on August 18, 2008 that she conducted an inmate search and found that Wright paroled in October 2007 and was no longer incarcerated at a CDCR facility. (Doc. 120-1 (T. Davis Decl. ¶ 3).)

<sup>2</sup> Petitioner claims that "[w]e have determined that Inmate Wright (B-70098) is currently being housed at the 'Rio Consuness [sic] Correctional Facility,' located on Bruceville Rd.[] in Elk Grove, CA. Inmate Wright is being held on a new charge and a parole hold, and has been since March of 2008, and before T. Davis, declaration[.]" (*Id.*)